

MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL OF HUNTSVILLE, ALABAMA,
HELD THURSDAY, JANUARY 23, 2014

The Honorable Council of the City of Huntsville, Alabama, met in regular session on Thursday, January 23, 2014, at 6 p.m., in the Council Chambers of the Municipal Building, there being present:

President:	Russell
Councilpersons:	Culver, Olshefski, Showers, Kling
Mayor:	Battle
City Attorney:	Joffrion
City Clerk-Treasurer:	Hagood

President Russell called the meeting to order.

Blake Kirk, a leader in earth-based spiritual communities, led the invocation; members of Boy Scout Troop 70, First Baptist Church, led the pledge of allegiance.

President Russell asked a representative of Boy Scout Troop 70 to go to the microphone and tell the audience what badge they were working on.

A representative of Troop 70 appeared before the Council, stating that the Scouts were working on their Citizenship in the Community Merit Badge.

President Russell stated that if the Council members could be of any assistance to the Scouts, to just let them know.

The minutes of the Regular Meeting of the Council on January 9, 2014, were approved as submitted.

President Russell stated that the next item on the agenda

was Resolutions and Special Recognitions.

President Russell recognized Mayor Battle.

Mayor Battle stated that there was a State Championship swim and dive team present that they would like to recognize, as well as some All-State football players. He stated that they were certainly pleased to have these young people who had done great things for the community present at this time.

Mayor Battle asked Mr. Greg Patterson, Director of Parks and Recreation, to come forward.

Mr. Patterson asked Coach Steve Hall of the Huntsville High School dive team and Coach Susan Swing of the Huntsville High School swim team to come forward.

Mr. Patterson asked Coach Hall to introduce his team members.

Coach Hall introduced the team members present at the meeting.

Coach Hall thanked the City for providing the Natatorium for the team to be able to practice, stating that not only did they have one-meter and three-meter boards, that they had two of them. He continued that there were not very many municipalities around the country that had this capability and stated that they certainly appreciated this, that it was a great place for them to practice.

Mr. Patterson asked Coach Swing to introduce the swim team members.

Coach Swing stated that it was her pleasure to be able to

introduce the 2013 Alabama State Championship Boys Swim Team, noting that this was their second consecutive championship. She introduced the team members, noting particularly the individual winners and the relay team that had won a gold medal. She also introduced a member of the Girls swim team who had won an individual gold medal.

Mayor Battle congratulated all the team members.

Mayor Battle stated that also present in the audience were football players from the Huntsville area who had been named to the All-State football team.

Mr. Patterson stated that there were six young men who had made All-State from this area, noting that they had been selected by the State Sports Writers.

Mr. Patterson recognized players from Grissom High School, Johnson High School, and Madison Academy as being selected for the All-State football team.

Mr. Patterson recognized the coach of the Madison Academy football team, Dr. Eric Cohu, noting that this was the second consecutive year Madison Academy had won the State football championship.

Dr. Cohu stated that he would like to thank the City of Huntsville, noting that it was an honor to represent the city. He stated that the football players had worked very hard throughout the course of their career. He continued that they would have liked to have had all the team members present at this time but there just was not sufficient space. He stated

that the All-Star players who had been recognized were the cornerstones and key ingredients to their success for the past few years. He stated that a couple of them would be graduating and going off to college and they would be missed, but that a couple of them were coming back, and that they expected to continue to have success in representing the city on the football field.

Mayor Battle stated that he had a longevity pin to present at this time and asked Mr. Chuck Hagood, City Clerk-Treasurer, to come forward.

Mayor Battle stated that Mr. Hagood had been Clerk-Treasurer of the City since 1989 but that he had been working for the City 40 years, noting that that was something very special. He stated that it was a very elite group of persons who received service pins, noting that these persons were the foundation of the City. He stated that Mr. Hagood was one of the reasons Huntsville received the No. 1 accolades, such as "Best Place to Retire" and "Best Place to Start a Business." He continued that Mr. Hagood had been part of the success of Huntsville for 40 years. He congratulated him and presented him his 40-year pin.

Mayor Battle asked President Russell if the Council would consider taking item 15.e on the agenda, Resolution No. 14-39, out of order at this time, noting that there was a Madison County Commissioner present in the audience, and that he had a check to present to the City.

President Russell asked the Council members if they were in agreement with taking this item out of order on the agenda.

The Council replied in the affirmative.

President Russell read and introduced a resolution authorizing the acceptance of donations, as follows:

(RESOLUTION NO. 14-39)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell recognized Mayor Battle.

Mayor Battle asked Mr. Phil Riddick to come forward, stating that he was a Madison County Commissioner. He also asked Mr. Patterson to come forward, as well as Mr. Steve Ivey, Manager of Recreation.

Mayor Battle stated that this was a case where governments worked with governments, that the County Commission had gotten with the City of Huntsville, and that Mr. Riddick had the land and a dream of making it into a park and that it was also in the area of town where the City had wanted to make a park. He asked Mr. Ivey to further comment on this matter.

Mr. Ivey stated that this was a government success story, that they looked forward to working on this project. He stated that Mr. Riddick had some blighted land, that it was a dump site, and that they were going to turn it into a crown jewel in South Huntsville. He stated that on the agenda for this meeting was the first contract that would be let, noting that

the development would start with a dog park and a pavilion. He continued that they already had the playground equipment purchased and that it was on site and would be installed by summer. He stated further that they were working with the Disc Golf Association and that the golf course would be started as soon as weather would permit. He stated that they were working on this project at this time and were really looking forward to it. He continued that hopefully one day there would be a splash pad. He stated that the location was on Chaney Thompson Road.

Mr. Riddick stated that this was the first occasion he had been aware of that the Madison County Commission and the City of Huntsville had gotten together to do a joint project such as this. He stated that it had been a pleasure to work with Mayor Battle and Mr. Patterson and Mr. Ivey of Parks and Recreation on this. He also thanked Councilman Olshefski for lending his support to this project, noting that it was located in his district. He stated that they were really looking forward to this.

Mr. Riddick stated that he had two checks to present to the City at this time, with one being to complete the project. He stated that with the contract having been let, they had come up a little short and needed some money for that. He stated that they also had another check to go along with this for the disc golf. He stated that he had a \$50,000 check to present to complete the park and a \$10,000 check to present for the disc

golf.

Mayor Battle expressed appreciation for the contribution, stating that it was very much appreciated.

Councilman Showers read and introduced a resolution congratulating Gen. Dennis Via, the Commanding General of the Army Materiel Command, as the recipient of the 2013 Alumni Leadership Award from the Thurgood Marshall College Fund, as follows:

(RESOLUTION NO. 14-38)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Showers stated that this resolution was congratulating Gen. Dennis Via, the Commanding General of the Army Materiel Command, for having received the 2013 Alumni Leadership Award from the Thurgood Marshall College Fund. He stated that he would be presenting the resolution on behalf of the Mayor and the Council on the following weekend, on Sunday, January 26, at an event and stated that he would read the resolution at that time.

President Russell stated that items 4.a.2, 4.a.3, and 15.j had been deleted from the agenda. He stated further that the Planning Department had asked that item 14.b, Ordinance No. 14-50, be considered by the Council at this meeting, so they would need unanimous consent on this item. He asked that item 9.b.1, Resolution No. 14-47, a Board appointment for the

Library, also be considered by unanimous consent because there was a vacancy on this Board that the Library wanted to have filled.

President Russell stated that the next item on the agenda was Public Hearings to be Held.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-962, zoning newly annexed property lying on the west side of US Highway 431 South and north of Sutton Road as Highway Business C-4 District, which hearing was set at the December 5, 2013, Regular Council Meeting.

President Russell recognized Ms. Lisa Leddo of the Planning Division.

Ms. Leddo stated that this was 1.38 acres of newly annexed property. She indicated the area on a displayed map and stated that it was on the west side of US Highway 431 South and north of Sutton Road and that the proposed zoning was Highway Business C-4 District. She stated that there were two existing businesses located on the property. She stated that the Planning Commission had recommended approval of the proposed zoning.

President Russell asked if there was anyone in the audience who wished to address the Council on this particular matter.

There was no response.

President Russell stated that the public hearing was

closed.

Councilman Showers moved for approval of Ordinance No. 13-962, zoning newly annexed property lying on the west side of US Highway 431 South and north of Sutton Road as Highway Business C-4 District, which ordinance was introduced at the December 5, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-962)

Said motion was duly seconded by Councilman Kling.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on Ordinance No. 13-964, rezoning property lying south of US Highway 72 East and on the north side of Old Gurley Road from Highway Business C-4 District to Residence 2-B District, which hearing was set at the December 5, 2013, Regular Council Meeting.

President Russell recognized Ms. Leddo.

Ms. Leddo indicated the area on a displayed map and stated that it was 2.66 acres of property. She indicated Highway 72 East and Old Gurley Road. She stated that at this time there were three residences located on this property. She stated that at one time there had been a large shopping center proposed for the area, and the property owners had had their properties rezoned to Highway Business C-4, but the shopping center had not been developed. She continued that these persons still resided in these homes, and they had trouble

obtaining refinancing or home improvement loans since the property was zoned Commercial. She stated that these owners would like to have the property rezoned to the previous zoning of Residence 2-B District. She stated that the Planning Commission had recommended approval of this proposed rezoning.

President Russell asked if there was anyone in the audience who would like to address the Council on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

Councilman Showers moved for approval of Ordinance No. 13-964, rezoning property lying south of US Highway 72 East and on the north side of Old Gurley Road from Highway Business C-4 District to Residence 2-B District, which ordinance was introduced at the December 5, 2013, Regular Council Meeting, as follows:

(ORDINANCE NO. 13-964)

Said motion was duly seconded by Councilman Culver.

President Russell inquired of Ms. Leddo as to why this would not be considered spot zoning.

Ms. Leddo stated that there were three properties involved and that the zoning was proposed to go back to an existing use, that this was just putting back into place the previous zoning because the plan had not materialized. She stated that it was not spot zoning, where they would be zoning just one parcel of

property for the benefit of a particular property owner.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the City Clerk-Treasurer to assess the cost of the boarding and securing against certain property. He asked Mr. Ken Benion, Director of Community Development, for an explanation of the above resolution.

Mr. Benion stated that the property identified in the resolution had been declared unsafe by Community Development and the owners had been given 30 days, in accordance with the Unsafe Building ordinance, to obtain permission and commence work on correcting the noted violations. He stated that since the owners had failed to respond to the notice and since the property was standing open and accessible, Community Development had boarded and secured the property. He stated that Attachment A identified the owners and the date that Community Development had taken action and the cost for boarding and securing the property. He stated that the total cost was \$245.20.

Mr. Benion stated that the owners had received written request for payment and had failed to respond, and that he was requesting that an assessment be placed on the property to collect the cost. He stated that the owners had been notified of the proposed action.

President Russell asked if anyone in the audience would like to address the Council on this particular matter.

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution authorizing the City Clerk-Treasurer to assess the cost of the boarding and securing against certain property, as follows:

(RESOLUTION NO. 14-40)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the City Clerk-Treasurer to assess the cost of the cutting and removing of grass and weeds against certain properties.

President Russell recognized Mr. Benion.

Mr. Benion stated that the resolution before the Council identified 35 properties that were in violation of the City's Grass and Weeds ordinance and that the properties were identified on Attachment A by the owner and location. He stated that the owners had received written notification, by regular mail, that they were in violation of the ordinance and had been given 14 days to correct the violation. He stated that all the owners had failed to respond and that Community Development had issued work orders to cut these properties, at

a total cost of \$7,393.85, and an average cost of \$211.26. He stated that Attachment A also identified the dates and costs for cutting the properties.

Mr. Benion stated that the owners had received written requests, by regular mail, for payment, and had failed to respond. He requested that property assessments be placed on these properties in order to collect these costs. He stated that the owners had been notified of the proposed action and could wish to speak at this time.

President Russell asked if there was anyone in the audience who would like to address the Council on this particular issue.

Mr. William Henze, 1311 Hiwan Trail, appeared before the Council, stating that he was astonished that the Council was taking time up in the meeting for matters such as this issue and the previous one. He continued that he would think these were routine procedures that had been established several years prior.

President Russell asked if there was anyone else in the audience who would like to address the Council on this matter.

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution authorizing the City Clerk-Treasurer to assess the cost of the cutting and removing of grass and weeds against certain

properties, as follows:

(RESOLUTION NO. 14-41)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

President Russell called for the vote on the above resolution, and it was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the demolition of an unsafe building constituting a public nuisance located at 2600 Trail Ridge Road.

President Russell recognized Mr. Benion.

Mr. Benion stated that he had photos to display on this issue and displayed the photos. He stated that this concerned the demolition of an unsafe building constituting a public nuisance located at 2600 Trail Ridge Road. He stated that this property had been cited on November 13, 2013, as a public nuisance, and that the owners had been issued a notice to demolish the structure. He stated that no work had been done on this.

Mr. Benion stated that the property had been inspected by an independent contractor and they had found that the structure was not economically feasible to repair. He stated that the notice, photos, and evaluation were included in the attachments before the Council. He stated that it was his recommendation that the Council declare such conditions to be a public

nuisance and order the structure to be demolished.

Mr. Benion stated that the owners and other persons in the audience might wish to speak concerning this matter.

President Russell inquired as to whether there was anyone in the audience who wished to address this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution authorizing the demolition of an unsafe building constituting a public nuisance located at 2600 Trail Ridge Road, as follows:

(RESOLUTION NO. 14-42)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

President Russell called for the vote on the above resolution, and it was unanimously adopted.

President Russell stated that it was the time and place in the meeting for a public hearing on a resolution authorizing the demolition of an unsafe building constituting a public nuisance located at 3421 Glen Park Drive, NW.

President Russell recognized Mr. Benion.

Mr. Benion stated that they were asking the Council to authorize the demolition of an unsafe building constituting a public nuisance located at 3421 Glen Park Drive, NW. He stated that this property had been cited on November 13, 2013, as a

public nuisance. He continued that the owners had been issued a notice to demolish this structure and that no work had been done on this.

Mr. Benion stated that the property had been inspected by an independent contractor and they had found the structure not to be economically feasible to repair. He stated that the notice, photos, and the evaluation were included in the attachments before the Council. He stated that it was his recommendation that the Council declare such conditions to be a public nuisance and order the structure to be demolished.

Mr. Benion stated that the owners or others in the audience might wish to speak at this time.

President Russell inquired as to whether there was anyone in the audience who wished to address this particular issue.

Ms. Jackie Reed, 303 Jack Coleman, appeared before the Council, inquiring of Mr. Benion as to the date the property had been cited.

Mr. Benion stated that it was November 13, 2013.

Ms. Reed stated that that had been only 2 1/2 months. She asked if the owners lived in the city of if Mr. Benion had heard from them, if he was aware if they had received the notice.

President Russell asked Ms. Reed to direct her questions to the Chair.

Ms. Reed stated that she was attempting to find out if these persons lived in town and if they had had time since

November, considering the Christmas holidays, to do something concerning this matter.

President Russell asked if there was anyone else in the audience who wished to address the Council on this particular issue.

There was no response.

President Russell stated that the public hearing was closed.

President Russell read and introduced a resolution authorizing the demolition of an unsafe building constituting a public nuisance located at 3421 Glen Park Drive, NW, as follows:

(RESOLUTION NO. 14-43)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

President Russell asked Mr. Benion to explain this process, in general, to the public and state how long his department had been working on this one particular house.

Mr. Benion stated that this process had been going on for several years, where this house had been in violation of codes. He stated that his department was on a mission to address structures that had been sitting vacant for several years and were unsafe, to get them torn down. He stated that this property had been this way for several years and that notices had been issued for years, that it was just that now they wanted to move through the process so that they could demolish

the property.

President Russell stated that his constituents wanted such actions to be taken, that they did not want to be in a neighborhood with a house such as this for several years. He thanked Mr. Benion for his work.

Councilman Kling stated that he would like to echo some of the comments President Russell had made. He stated that Mr. Benion had done very well on numerous issues in the district that he represented, concerning tall grass, weeds, nuisances. He stated that he was aware there was a legal process they had to go through on all such structures as the one before the Council at this time.

Councilman Kling asked Mr. Benion to take a look at the situation pertaining to 111 Marsheutz, noting that he believed this was a long-standing issue and he would appreciate it if Mr. Benion could look into this and see if it was going through the proper legal process.

President Russell called for the vote on Resolution No. 14-43, and it was unanimously adopted.

President Russell stated that the next item on the agenda was Communications From the Public. He stated that persons would have three minutes to address the Council.

Mr. Russell Gay, 15008 Carlisle Drive, appeared before the Council, stating that he would like to thank Councilman Kling for hosting a Town Hall meeting recently regarding the chicken ordinance and some other matters. He stated that everyone

there had had the opportunity to express their difference of opinion civilly. He stated that he understood that Councilman Kling was in receipt of documents produced by Alabama A&M University and Auburn University concerning proper back yard chicken care and that he hoped the Council members would have the opportunity to look at this and to also study other cities to see what had worked and what had not worked. He stated that he was aware that the Council members were being inundated with emails on both sides of this issue and that he hoped they would have the opportunity to research both sides.

Mr. Gay stated that he would also like to thank the North Alabama Coalition for the Homeless for putting together a meeting of faith-based organizations to address the need for a warming center for the homeless and the needy. He stated that the stress had been that it was preferred that such persons would go to the shelters but that there were a few who fell through the cracks, where they either chose not to go or had been barred for previous incidents. He stated that having faith-based organizations come together to address this need was a good thing, and that it was great to have a place to be able to come together and organize.

Mr. Rusty Loiselle, Hearthstone Circle, appeared before the Council, stating that he was present for Help the Homeless Veterans and Citizens. He stated that what he was about to say was kind of unusual for him, but he believed the Council members would like it, for the most part.

Mr. Loiselle stated that he would like to thank President Russell and Sgt. Mark Roberts, who had visited Tent City in the prior few days. He stated that he received telephone calls from the residents of Tent City the second these persons appeared on site. He stated that the residents were pleased to see that an interest had been shown in their situation and in what could possibly be done to make it better. He continued that they were very happy that at least questions were being asked.

Mr. Loiselle stated that he also wanted to thank Chief Lewis Morris of the Police Department for responding to his request to check out the "No Trespassing" signs that had recently been put up at Max Luther and the Parkway, in an empty lot. He stated that this had been a week or so prior and that within an hour, Mayor Battle had been on site and talking with the homeless. He stated that persons would have no idea how much that would speak to the homeless, that they felt then as though they were not lost, that someone cared. He stated that, again, he had received a call before the mayor had left the parking lot.

Mr. Loiselle stated that he would like to thank all the Council members, noting that he was aware they felt that the persons in his group just came before the Council to moan and groan about everything, but stated that they were just asking for help with this situation. He stated that they would certainly like one of the beautiful parks that had been

discussed earlier in the meeting, so that they could put together a possible campground, noting that they could make it a campground and not a prison center but a place where the homeless could actually exist, out of the eye of the public, until they could move on to better housing.

Mr. Loiselle stated that his group did not want to create problems, that they wanted to create solutions.

Mr. Loiselle stated that, unfortunately, he would have to end his comments on a bad note. He stated that they had attempted to solve a problem concerning the Richard Showers Community Center with the director there, but, unfortunately, there was an attitude problem with the director. He stated that the director had suspended a 9 1/2-year homeless Navy veteran because of unfounded allegations. He stated that he had the veteran's total statement, and that the director had changed his story at least four times. He stated that they wanted some action on this and that, unfortunately, they were at the point where they were going to have to do something, even if it would be through legal channels.

Mr. Loiselle stated to Councilman Showers that he did respect him and that he wanted to thank him for the meeting he had put together. He continued that, unfortunately, those persons did not listen to Councilman Showers quite as well as his group did.

Councilman Kling stated that at the prior Council meeting, Mr. Loiselle had raised the idea concerning portalets under the

overpass. He asked if this would be feasible, if the cost would be, or if persons would take on the responsibility of maintaining or cleaning out the portalets. He asked if the City would have any authority concerning this, noting that he was aware it was a State overpass. He asked if something like this might could be worked out.

President Russell stated that he could not answer Councilman Kling's question.

Councilman Kling stated that perhaps Mr. Joffrion could look into this matter, stating that he was not aware if there would have to be a legal agreement concerning persons agreeing to maintain the portalet, cleaning it out so many days per week, or something such as that.

President Russell stated that he would get someone to reply to Councilman Kling's questions.

Ms. Eddgra Fallin, 203 Hawks Crest Circle, appeared before the Council, stating that she was present to talk about education because many citizens had been denied that right at Board of Education meetings.

Ms. Fallin stated to Mayor Battle that he had been quoted in the news media as saying he was not going to run for governor of Alabama because he wanted to concentrate on education. She continued that at a recent School Board meeting, Mayor Battle had stated that he supported Huntsville School Superintendent Dr. Casey Wardynski. She stated that she was appearing before the Council at this time in order to make

sure she understood what he was supporting.

Ms. Fallin asked Mayor Battle the following questions:

"Do you support parents and citizens not being allowed to speak at Board of Education meetings?"

"Do you support the Board of Education's refusal to meet with our duly elected representatives to hear our concerns?"

"Do you support the Board of Education ignoring the public citizens' desire not to change the name of J.O. Johnson High School?"

"Do you support staffing low-achieving schools with non-certified teachers?"

"Do you support segregated schools?"

Ms. Fallin stated that her last question, and the most important question to her, was: "Do you support building the new J.O. Johnson High School .06 mile from an active rock quarry? Would you want your children to attend such a school or your family members to work in such an environmental health hazard?"

Ms. Fallin stated that she found it odd that City Council President Mark Russell was among the elected officials, including the Mayor of New Hope and developers and parents, who were adamantly opposed to building a rock quarry two miles from schools because of air quality concerns.

Ms. Fallin stated that North Huntsville residents also paid taxes. She continued that they had voted for Mayor Battle twice because he had promised they would not be marginalized

and their legitimate concerns minimized. She stated that North Huntsville taxpayers were not asking for special treatment, nor were they asking for the government to take care of them, that they were asking to be treated fairly and equally. She stated that they loved the city of Huntsville but that they had to ask that the city love them.

Ms. Meg Tilden, 2640 Blue Spring Road, appeared before the Council, stating that she would like to thank Lineise Arnold of the North Alabama Coalition for the Homeless for the meeting that had been discussed earlier, noting that it had been extremely productive. She stated that she would also like to thank President Russell for returning her telephone call, noting that she greatly appreciated that. She stated that everyone had been working together to get a warming center opened.

Mr. Paul Proctor, 3109 Gaylord Drive, appeared before the Council, stating that citizens pledged allegiance to the flag and had a moment of meditation, and that the flag was supposed to represent freedom of speech and religious rights. He stated that Huntsville had been proven not to be a city of compassion or equality when it came to education across the board. He stated that when he looked up the definition of "compassion," it was used as a noun and that it read: "A feeling of deep sympathy or sorrow for one who is stricken by misfortune, accompanied by a strong desire to alleviate the suffering." He stated that he questioned the City's sympathy and sorrow and

asked what it was that the City was doing to alleviate the suffering.

Mr. Proctor stated that persons who knew him were aware that when he attended meetings, he often had his son with him. He stated the reason for this was that he wanted him to learn that life was not always about what he did for his son or for himself, but it was also about what and who a person stood up for as it pertained to right and wrong, and, also, not to be afraid of the tyranny of others.

Mr. Proctor stated to the Administration and the Council that if they wanted Huntsville to be one city and one School Board, united, and wanted the city to be recognized for greatness, they must have true transparency and openness in their dialogue with the community as a whole, and not have different sides of the city at odds with each other and further creating racial division. He stated that it had been stated that a house divided could not stand and asked if they would choose to stand together.

Ms. Terri Michal, 115 Mill Creek Crossing, appeared before the Council, stating that she was standing before them not on her behalf but on behalf of 36,000 teachers across the country, and thousands of teachers in Alabama. She continued that she wanted to talk to the Council about some education issues.

Ms. Michal stated that she had in her hand an email that Dr. Wardynski had received from the State Department of Education on December 16, stating that there was a survey that

was going to be produced and all the teachers needed to take it because it had to do with their evaluations. She continued that this was a very important survey for teachers to take and stated that the deadline was Friday and the teachers in Huntsville had not been told about this. She stated that she had finally found one teacher on the prior day that had been told about it and noted that this was the same day that a teacher in South Alabama had called her and told her about it.

Ms. Michal stated that she had called the City and the State about this matter. She continued that she did not know if the deadline could be extended. She stated that this was the kind of information the teachers needed and was the kind of information that was being kept from them by a corporate reformer such as Dr. Wardynski, as a Broad Superintendent.

Ms. Michal stated that one thing that had been very upsetting about the zoning meeting that had been held the prior Thursday and the reason she was bringing issues to the Administration and the Council was because some of them had come to the meeting and had stood in support of Dr. Wardynski. She continued that she wanted them to understand that when they stood in support of a Broad-educated Superintendent, they were also promoting the corporate reform agendas that had destroyed cities such as Chicago, Seattle, Los Angeles, Washington, D.C., and Atlanta. She continued that the changes in Atlanta were because of Broad people and stated that there had been a great change in issues in Huntsville. She stated that they had to

ask themselves about the other cities that had fallen after their Broad-educated superintendents and chief financial officers, etc., had left, and then officials such as the Mayor and Council members had to clean up the mess, having to answer for the things that had been done.

Ms. Michal urged the Council members and the Administration to look on the internet and find out about the Broad Academy, find out about the things they did that, in particular, tore urban communities apart.

Ms. Michal stated that she was sure they were all aware that South Huntsville grumbled and talked about separating from the remainder of the city. She stated that there was a problem, that it was not One Huntsville. She continued by asking if this was ever going to happen and stated that it was not but that it should disturb the City officials that parts of the city wanted to leave the city. She stated that this was because of race issues and stated that they had to start talking about race, that when they did not talk about race, it turned into racism.

Ms. Michal urged the Administration and the Council to understand that even though there were problems before Dr. Wardynski came to the city, his policies were tearing the city apart, and that this was not necessary if they could just open their eyes and see concerning this issue. She stated that the Broad Academy had made sense when one had read it on paper, but now that they had walked down this road, maybe it was a

mistake, that maybe it was time to start separating themselves and start healing the city.

Ms. Jackie Reed, 303 Jack Coleman, appeared before the Council, expressing appreciation to the Council for allowing the public to get involved in their meetings, noting that she could not say that about the School Board.

Ms. Reed stated that her daughter had been attempting to get up on the interstate near the Veterans Memorial recently, and there was a lot of concrete in the middle of the street. She noted also that many persons where she worked had questioned what was going on in front of the Veterans Memorial. She stated that she had been told that this had been turned into a two-lane road and that it would stay that way because they needed parking for the Veterans Memorial.

Ms. Reed asked who was engineering some of these things in the city, noting that this really concerned her. She stated that she wanted to know who citizens could hold accountable and responsible for such issues. She stated that now there would be a line attempting to get on the interstate every day when her daughter was attempting to go to work. She stated that they needed to do better planning in the City, that it would be wrong to leave that street as a two-lane street.

Ms. Reed stated that they were putting millions of dollars into the downtown area in the brick streets, that they were taking up good concrete and bricking the streets again. She asked them to quit putting so much money into the downtown

area, noting that she had a problem with that.

Ms. Reed stated that she had attended a variance board meeting recently and that she was very concerned with what was going on at these meetings. She stated that a Mr. Richard Hughes had gone before the variance board three times just to get a lot next to him on Governors Drive approved as a car lot.

Ms. Reed stated that there was one person on the variance board that had a problem with West Huntsville matters, noting that she lived in that area. She stated that when their meetings were commenced, they stated that no one had an interest in anything that went on there. She continued that, however, that person lived in that area. She stated that she had a real problem with what she had seen at this meeting.

Ms. Reed stated that persons could get a liquor license and go within 500 feet of a church, that music could go in where it had not been allowed, et cetera. She stated that she had been to many variance meetings and had seen a lot of things. She continued that she had gotten involved with this because she could not believe that this person could not get a lot that he owned in the area approved as a car lot. She stated that they should not make him have to appeal this matter. She stated that she believed that one person she had mentioned who lived in the area should not be allowed to vote on the variance board, noting that this person lived in the neighborhood and owned the neighborhood, as far as she was concerned. She stated that she was not stating any names

concerning this.

Ms. Reed stated that she wanted to speak concerning the chicken ordinance. She thanked Councilman Kling for allowing her to come to his recent meeting concerning this matter. She stated that when she left the variance board, she had been all upset, and then she had gone to the chicken meeting and had gotten really upset. She stated that in 35 years of attending Council meetings, nothing had bothered her more than the variance meeting and the chicken ordinance. She urged the Council members to vote in opposition to the chicken ordinance. She also urged the public to contact them concerning this matter.

Councilman Kling stated that the Board member that Ms. Reed had referred to was a person he had worked with and noted that she had no financial interest and no axe to grind concerning these matters and had been a very good neighborhood advocate. He continued that she had done what he would expect any board member to do, to just use their best judgment on matters. He stated that he was very comfortable with the work this individual did, that the person was completely independent, but that overall he felt the person voted in the manner he would like to vote. He stated that this person had been a very good neighborhood advocate, not just for the immediate area but for many other neighborhoods throughout the city, and was the type of person he liked to have on a board.

Councilman Kling stated to Ms. Reed that she had been very

well-versed concerning the chickens and that they had had a very good discussion at his town meeting, on both sides of the issue. He stated that Ms. Reed had held her ground concerning her position and that he believed the other persons in the room who were in opposition to her view had felt like it was a draw between her arguments and their arguments.

Mr. William Henze, 1311 Hiwan Trail, appeared before the Council, stating that he had several issues. He stated that the first one concerned the Public Building Authority, noting that this also possibly applied to the Educational Building Authority, noting that he had not realized it existed until he had seen a resolution about it on the agenda for this meeting.

Mr. Henze stated it was his understanding that the Public Building Authority was composed of three members, none of whom had experience in construction or engineering. He asked to be corrected if he was wrong on what he was stating. He continued that perhaps they did get some experience from serving on this Board. He stated that these persons were responsible for the construction of all public buildings in the city, except for perhaps the schools. He continued that these persons were appointed by the Council, not by the Mayor, so that apparently the Mayor had nothing to do with the building of buildings in the city.

Mr. Henze stated that the biggest problem that had come up in recent years was the fiasco with the City Council jail, noting that everyone was aware it had gone way over budget and

there had been lawsuits. He continued that he believed the City might have lost a lawsuit about this, but he was not sure.

Mr. Henze stated that his question concerning this was why they even had such a thing as a Public Building Authority. He continued that this just seemed ridiculous to him. He asked why the regular City engineers could not draw up the plans, et cetera, or have the plans drawn up, and have contracts drawn up with the aid of the City Attorney. He inquired as to the purpose of the crazy institution called "The Public Building Authority." He stated that even though they were the ones responsible, and they came from the Council, he believed that, at least in part, Mayor Spencer had lost the election because she had gotten a lot of the blame for the fiasco of the City Council jail. He reiterated that he did not know why the City had such a thing.

Mr. Henze stated that his next point was that the Solid Waste Authority burned trash and garbage of the city and made steam for the Arsenal, and therefore helped pay for the trash collection, et cetera. He continued that he had been told by someone in the Solid Waste Authority that they actually generated more energy than was needed by the Arsenal. He asked if there had ever been any kind of engineering-type investigation as to whether this excess energy could be used to generate electricity that could be fed into the city grid.

Mr. Henze stated that it appeared that the City liked to subsidize various things, for example, the TIF districts, new

development. He stated that there were many empty stores, buildings, in Huntsville that could be used for developing, rather than expanding, especially out to the west. He stated that he believed it was immoral to subsidize new retail development that would compete with existing stores, noting that this just seemed to be really wrong to him.

President Russell stated to Mr. Henze that the answer to his question concerning the Public Building Authority was very complicated. He stated that Mr. Henze did have some misunderstandings concerning this matter and that he would be glad to clear them up but stated that this would require more time than they had allocated at this meeting. He stated that if Mr. Henze would like to email him, he would arrange for a proper meeting to answer all his questions.

President Russell asked Mr. Joffrion if he would quickly, for the public's benefit, provide an explanation of the Public Building Authority.

Mr. Joffrion stated that the Public Building Authority was a three-member board, authorized under State law, to allow for the financing of public projects, either municipal public projects or joint municipal/county public projects, depending on what was desired. He stated that it was a way for the public to finance such projects without having to finance them through the City of Huntsville. He continued that the City had a limit on how much money it could borrow. He continued that at the time the jail was being built, the City was approaching

the cap on its borrowing capacity, so that the Public Building Authority was established for the very purpose of allowing financing of this much-needed jail.

Mr. Joffrion stated that the members of the Public Building Authority themselves actually had very little to do with the hands-on administration of the project, that all of those details were handled by the City of Huntsville and its departments, by way of contracts. He stated that it was more of a financing conduit than it was an organization responsible for the administration of the construction of the project.

President Russell reiterated to Mr. Henze that if he would email him, he would be glad to discuss this matter with him.

President Russell stated that the next item on the agenda was Board Appointments To Be Voted On.

Councilman Showers asked to be recognized.

President Russell recognized Councilman Showers.

Councilman Showers stated that, typically, when there had been public comments or questions, they had gone back and explained the concerns, just as they had done with the last gentleman who had spoken. He stated there had been other public inquiries made when the public was speaking and that he would like to treat this group of persons who had signed in and expressed their concerns the same as other speakers had been treated.

President Russell inquired as to which questions he had not addressed, noting that he had tried to answer all

questions.

Councilman Showers stated that several questions had been raised by the speakers, noting that Ms. Fallin was the first one who had had several questions she was concerned about, which dealt with education. He continued that those questions had not been addressed. He stated that he just wanted the Council to be consistent.

President Russell stated that he had thought Ms. Fallin had been making statements.

President Russell asked Ms. Fallin to please go to the microphone. He stated to her that if she had any questions, they would be glad to answer them.

Ms. Fallin stated that she had prefaced her questions with "Do you support?"

President Russell stated that those appeared to be personal questions, particular to Mayor Battle. He asked Ms. Fallin to address her questions to the Chair or to the Council as a whole.

Ms. Fallin stated that she wanted to know about building the new Johnson High School .06 mile from an active rock quarry, noting that she had serious concerns about the environmental health hazard, not only to the students but to the teachers, principals, and other support personnel.

President Russell stated that that issue had been covered at the School Board meeting.

President Russell asked if Mr. Danny Shea, Director of

Natural Resources, was present at the meeting.

Ms. Fallin stated that actually the issue had not been covered. She continued that Mayor Battle had made the statement that some of the City people had checked it out and the air was fine. She continued that she knew for a fact that that was not correct.

President Russell asked Mr. Shea to comment on this matter.

Ms. Fallin stated that she knew through independent research that the facility where the air quality had been measured, the Pulaski Pike fire station, did not have the correct instrument to measure the air quality, noting that this required one that could measure the P2.5 particle dust from the rock quarry. She stated that the station that would be able to measure this was located on Weatherly Road, miles away from this location, and that it was not the station on Pulaski Pike that was closest to the rock quarry.

President Russell asked Ms. Fallin if the question they needed to respond to was concerning the air quality around the proposed site of the new Johnson High School.

Ms. Fallin stated that what she wanted to know was if they supported building a school .06 mile from an active rock quarry.

President Russell asked Mr. Shea to comment on this matter.

Mr. Shea stated that his department, Natural Resources,

among their other responsibilities, was responsible for monitoring ambient air quality in the city. He stated that they had a particulate matter monitoring station at the Pulaski Pike fire station, which he noted was very close to the school site. He stated that in comparing the PM10 measurements taken at that particular location with those across the city, there was very little difference, and that, actually, they were not the highest at the Pulaski Pike station, that they were all very close. He continued that the particulate matter concentrations across the city were fairly uniform. He stated, concerning the reference to fine particulate matter, that they had only one of those stations, which he noted was located on Airport Road. He stated that the fraction of particulate that came from rock crushing and the activities of the quarry were not in the very smallest fraction. He continued that the measurements they were taking at Pulaski Pike were the most appropriate for that source.

President Russell asked Mr. Shea if he would be available to Ms. Fallin if she had follow-up questions.

Mr. Shea replied in the affirmative. He stated that he would be happy to send her the data which they had compiled.

Ms. Fallin stated that she had a study that basically refuted everything that Mr. Shea had just stated. She stated that she meant no offense to him by this.

Mr. Shea stated that he had not seen such report.

Ms. Fallin stated that that was the point, that she

believed that before they said they were going to build a school .06 mile from an active rock quarry, they needed to look at all studies and hear from everybody concerned about the situation. She continued that she would not send her children there and neither would she want to work in such an environment.

President Russell asked Councilman Showers if he was satisfied that the Council had answered the public's questions.

Councilman Showers asked if there had been other questions that were raised by the public that had not received a response.

There was no further comment.

President Russell stated that the next item on the agenda was Board Appointments To Be Voted On.

Councilman Showers read and introduced a resolution to reappoint Freeman Holifield to the Solid Waste Disposal Authority of the City of Huntsville, Fifth Director, for a term to expire January 1, 2018, as follows:

(RESOLUTION NO. 14-44)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Kling and was unanimously adopted.

Councilman Kling read and introduced a resolution to reappoint Nancy Archuleta to the Educational Building Authority of the City of Huntsville-John Paul II High School, for a term to expire November 11, 2019, as follows:

(RESOLUTION NO. 14-45)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

Councilman Kling read and introduced a resolution to reappoint R. Timothy Jernigan to the Educational Building Authority of the City of Huntsville-Holy Spirit, for a term to expire November 12, 2019, as follows:

(RESOLUTION NO. 14-46)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution to appoint Douglas C. Martinson, II, to the Huntsville Public Library Board, for a term to expire February 10, 2015, as follows:

(RESOLUTION NO. 14-47)

President Russell moved that unanimous consent be given for the immediate consideration of and action on said resolution, which motion was duly seconded by Councilman Kling, and upon said motion being put to vote, the following vote resulted:

AYES: Culver, Olshefski, Kling, Showers, Russell

NAYS: None

President Russell stated that the motion for unanimous consent for immediate consideration of and action on said

resolution had been unanimously carried.

President Russell thereupon moved that said resolution be finally adopted, which motion was duly seconded by Councilman Showers.

President Russell stated that Ms. Donna Lamb had resigned her post on this Board and that was the reason they were filling this position at this time. He stated that this was a one-year term. He continued that Mr. Martinson had been active in the Library for many years, and that he felt he was a good fit for this position.

President Russell called for the vote on the above resolution, and it was unanimously adopted.

President Russell asked if there were any Board Appointment Nominations.

Councilman Showers asked if Mr. Benion was still present in the meeting.

Mr. Benion came to the microphone.

Councilman Showers asked Mr. Benion if he had any openings on the Community Development Citizens Advisory Council or if he had persons who had not been attending the meetings that the Council needed to address.

Mr. Benion stated that they did have persons who had not been attending the meetings. He stated that he had talked with a person earlier in the day who was possibly interested in serving on this Board. He continued that there were several persons who had not been attending the meetings, noting that he

could provide this information to Councilman Showers.

Councilman Showers asked him to make this information available to the Council.

President Russell asked if there were any Board Nominations at this time.

There was no response.

President Russell stated that the next item on the agenda was Approval of Expenditures.

Councilman Kling read and introduced a resolution authorizing expenditures for payment, as follows:

(RESOLUTION NO. 14-48)

Councilman Kling moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver and was unanimously adopted.

President Russell asked if there was a Finance Committee Report.

Councilman Kling replied in the negative.

Councilman Kling stated that, as he had mentioned at the prior Council meeting, there would be a public forum on Thursday, February 6, at 6 p.m. in the City Council Chambers. He stated that Mr. Taylor would give a brief overview of the budget, very similar to the presentation he had made to the Council when the budget had been presented to the Council the prior September. He stated that this would be an open forum, basically to let persons learn about the budget. He stated that he believed someone had earlier had a question about new

development and stated that they could talk about the rationale that had been used for the City participating in new development, noting that they did not do this out of the goodness of their heart but were doing it because of numbers that showed that sales tax and property tax increases would provide benefit to the city. He stated that persons would be allowed to ask questions and that they would try to provide answers for them, and that, if necessary, they would track down the information and provide it as soon as possible.

Councilman Kling stated that this was something he and Councilman Culver had wanted to do, just to show that they were open to the public with the money issues. He stated that any of the City officials were certainly welcome to attend the meeting.

President Russell stated that the next item on the agenda was Communications from the Mayor.

Mayor Battle stated that on the prior Monday he had attended the Martin Luther King Jr Breakfast, and there had been one of the best speakers they had had for this event. He stated that the event had been well-attended and was a great celebration, a time when a community came together, which he noted was very important.

Mayor Battle stated that earlier in the day, there had been a ribbon-cutting for GE Intelligent Platforms, which he noted would be bringing new jobs into the area. He continued that Governor Bentley was present, along with the Director of

Commerce. He stated that this was a good thing for the community, noting that it fell into what the City did, that it was engineering, production, and quality assurance, that they had set up a center of excellence there that reflected what Huntsville was.

Mayor Battle stated that for the past few days, he, along with the Madison County Commissioner and the Mayor of Madison, had been in New York for a media blitz, noting that they had talked to CBS, NPR, Fox Business News, Fortune, Scholastic Magazine, and a number of other outlets in the market. He continued that they had talked to some of the national media about Huntsville, about what it was like. He stated that this was one of the times that persons could tell their story to some persons who really did not know the story. He stated that some of these persons had been under the misconception that NASA was winding down and going away and had questioned what the city would be doing next. He stated that they had to explain to them that NASA was not winding down, was not going away, that it, in fact, was doing better than it ever had done, especially from this end, where they were building a heavy-lift rocket that would take men back into deep space. He stated that this was something that was very exciting.

Mayor Battle stated that the prior week the School Board had held a press conference, announcing the graduation rate for Huntsville City Schools, and that it had gone from 65 percent to 81 percent in the prior three years. He stated

that this was a very notable achievement for the school system.

Mayor Battle stated that on this evening, and also on Friday and Saturday evenings, Butler would be presenting a play. He stated that a young Teach for America teacher had put together a theater group at Butler High School and that they had had a play the prior year, and it had been a wonderful play. He continued that this year there were twice as many students involved, and that they would be doing "The Outsiders." He stated that this would be held at 7 p.m. on those dates at Butler High School. He continued that if persons had the opportunity to attend this, he was certain they would enjoy it.

Mayor Battle stated that he had talked to members of this acting crew the prior week, and they had discussed what this arts program meant to them, and what it added to the value of their education. He stated that there were some very talented students at Butler High School. He continued that if the proposed redistricting plan went through, the students would be splitting up into several different schools over the next year. He stated that one of the things the City would be able to say was that its oldest high school was Columbia High School.

Mayor Battle stated that they were putting \$200 million into building schools, that they were repopulating the schools. He continued that Whitesburg would be a new school; that Johnson, or Jimmerson, whichever name was decided upon, would be a new school, that it would be a middle school and a high

school; and that AAA would move to Ed White, that they would put approximately \$10 million into re-doing that school so it could support AAA. He continued that, according to the AAA principal, there were approximately 1,000 students waiting to get into AAA.

Mayor Battle stated that one of the things that had been mentioned at the Martin Luther King Jr. Breakfast was that the City's two most diverse schools, New Century and AAA, were two of the highest scoring schools in the entire North Alabama area. He continued that this was something for the community to be proud of.

President Russell stated that the next item on the agenda was Communications from Council Members.

Councilman Showers stated that he had also attended the Martin Luther King Jr. Breakfast on the previous Monday and that there had been a dynamite speaker who spoke about the current situation in America. He continued that his comments had been very well received.

Councilman Showers stated that on the previous day, he had been in Birmingham to present a resolution on behalf of the Mayor and the Council recognizing Alvin Moore, noting that he had been inducted into the Alabama High School 2014 Hall of Fame.

Councilman Showers stated that on the following weekend at the South Hall at the VBC Ms. Pinkie High would celebrate her 90th birthday.

Councilman Showers stated that the U.S. Army Audit Agency would honor the late Floyd Hughes by naming a conference room in Building 4488 in his honor. He continued that on January 30, the family would be presented a flag that had been flown at half staff at the Pentagon in his honor. He stated that also on that date, he would be presenting a certificate in honor of Mr. Hughes for his contributions to the city, the state, and the nation.

Councilman Showers stated that if he would be allowed to, he would like to ask Mayor Battle a question based on some comments he had just made about education in the city.

Councilman Showers stated that he had attended the School Board meeting the prior week, along with Mayor Battle and President Russell, as they were informed about the new school zones and where the schools were going to be located, the schools that were going to be closed, the schools that were going to remain, what part of the city certain students would be coming from, and what schools they would be attending eventually. He stated that, as Mayor Battle had mentioned, Butler High School did have some good students in their theater program, as well as did Lee High School and Huntsville High School.

Councilman Showers stated that he had not heard Mayor Battle mention it and inquired as to whether Butler High School would be closed.

Mayor Battle replied in the affirmative, stating that that

was part of the plan.

Councilman Showers stated that it was amazing to him that if they had schools they could make statements concerning as being ideal schools, functioning schools, academically and otherwise, they would close such a school. He inquired of Mayor Battle as to the rationale for closing Butler High School. He continued that before his question was answered, he would point out that Johnson High School was not being closed, that just as Grissom was being rebuilt and relocated, Johnson High School was also being rebuilt and relocated.

Councilman Showers stated that when he heard that the Justice Department had put on the table another zoning plan, he had asked a question concerning this, and the reply they had received was that the School Board and the Superintendent could not discuss the Justice Department's rezoning plan for the Huntsville City Schools. He stated that he had also heard the presiding officer and others make the statement that if Huntsville's plan were not approved, they were going to sue. He asked Mayor Battle if he had seen the Justice Department's proposed rezoning plan for the City of Huntsville.

Councilman Showers stated that his first question had been about Butler High School.

Mayor Battle stated that according to the conversations he had had with Superintendent Wardynski, they had had a construction company and a consulting company go through Butler High School and determine what it would cost to rebuild

the school. He continued that there had been numerous problems with the building, roofwise, mechanicalwise, and water leakagewise, et cetera. He continued that the construction company and the consulting company had said that with the number of students they had there, the best thing to do would probably be to close it and put the students into new schools. He stated that one of the processes they were trying to do out of this was to make sure every student was in newer schools, schools that were made for technology.

Mayor Battle stated that persons might recall that back in the 1980s, the County had rebuilt their system and had rebuilt schools throughout the county. He stated that as they rebuilt schools, they had persons to say that if they had that investment in their schools and believed in their schools, they felt it would be a good place for them to put their children in school. He stated that when a city had older schools, such as Huntsville had had in the past, persons would not think that the city valued its education as much as with new facilities, a new product out there. He reiterated that when the proposed plan was completed, the oldest school in the city would be Columbia High School. He stated that there would be an almost brand-new high school for every child that went to high school in the city of Huntsville, and that there would be new middle schools and new elementary schools, and they would be able to address the needs of the students in the future.

Mayor Battle stated that he had not seen the plan the

Justice Department had put forward, that he had only heard it said by the attorney that there were grave concerns about it. He stated that he had seen the memo from the Justice Department stating that they did not want their plan discussed and did not want the details of it let out. He stated that when one was negotiating with someone, that until one reached the point of not being able to go any further, one tried to work with them.

Councilman Showers stated that persons should not forget that that was the same thing that was initially said when the discussion of Johnson High School was brought to the public. He stated that there were groups of citizens who had gone to the Board meetings and asked for justification and those citizens had been told the same thing that Mayor Battle had just stated, that there was a gag order and they could not discuss the specifics of the recommendations, in terms of building new schools, naming new schools, or where those schools would be. He stated that on the prior Thursday evening when he heard what had been stated, he had felt the same way as he did at this time. He continued that this was the reason he had asked Mayor Battle if he knew about the plan or if he had seen the plan. He stated that Mayor Battle had replied in the negative to that, and that he accepted that he had not. Councilman Showers stated that he did not feel they needed to spend unnecessary money. He stated that if they knew the problem, as to why the Justice Department was unwilling to approve what Huntsville had submitted, then they needed to fix

it. He stated that if the problem was that it was not balanced enough, they needed to make it balanced. He stated that they did not need to sue the Justice Department and spend more taxpayers' money because they were unwilling to face reality. He asked what this reality was. He continued that "unitary status" was simply a school district that had one school system, not one black, not one white, but a school district that was not drawn based on black or white.

Councilman Showers stated that the Justice Department would not approve Huntsville's plan unless it could be shown that Huntsville was, in fact, one school district. He stated that he certainly hoped they did not ask the taxpayers to spend more money when they could just go ahead and do what was right and satisfy the Justice Department. He stated that if they must sue, to go ahead, and they would continue to not have freedom from the desegregation decree, and they would not have a system that was one system.

Councilman Showers stated that the Council and the Mayor, while they did not make decisions for the Board, did have influence. He continued that, as had been mentioned by some of the speakers from the audience earlier in the meeting, he believed when the Administration or Council members made statements that they endorsed a position by another institution, they should be careful, because when they did that, they could be next. He continued that if it were shown that the School Board was not being completely diverse, it

might be that the Federal government could come back on the City of Huntsville in their employment situation, in their diversity, when one looked at a city with approximately 2300 employees. He stated that they had not been challenged on this, but that the makeup and chemistry of employment had been questioned by some citizens. He stated that they were all in this together and they should do what was right in this regard.

Councilman Showers thanked Mayor Battle for responding to his questions and stated that he would end by stating that he was a part of the city, that he had worked for the school system for 36 years, and he was proud of the time he spent in the school system. He stated that he just did not want the citizens of the city to spend extra dollars when they could fix the problem as they submitted a plan that would have the diversity that it should have. He stated that the Justice Department was not going to approve a school district where there was a black school and a white school, that they just were not going to approve that.

Councilman Showers stated that he had been disappointed recently in that the Madison County Commission and the City Council had been alerted that there was going to be an 8 o'clock meeting. He continued that that meeting had been canceled and that some persons knew about it and some did not. He stated that then they had found out at the School Board meeting, that there had been a meeting at 7 o'clock, a meeting with some of the black ministers. He stated that then he had

been told that that group had bought off on whatever presentation was made by the Mayor and the Superintendent, but, yet, the black elected officials had not been given the privilege of hearing the information before it was made public.

Councilman Showers stated that the City did not need to go backward, noting that he had lived through the 1960s and he had read about what had happened in the 1950s and the 1940s. He reiterated that they did not need to go back to that. He stated that if they continued to show that type of direction, the Justice Department was not going to approve the proposed zoning plan.

Councilman Olshefski stated that he had had the privilege of representing Mayor Battle at Councilman Showers' wife's retirement celebration from the Army Materiel Command at Redstone Arsenal. He stated that this had been a great event and he was proud to have been able to attend it.

Councilman Olshefski stated that the event with GE had been wonderful and amazing.

Councilman Olshefski stated that he was pleased that Madison County Commissioner Riddick had given the money to the City, that it was greatly appreciated.

Councilman Olshefski stated that they had been discussing the weather concerning the homeless in the city but noted that the weather was dangerous for everyone and urged everyone to be safe.

Councilman Culver stated that he had also had the

privilege of presenting the resolution, along with Councilman Olshefski and Councilman Showers, to Councilman Showers' lovely wife during the event celebrating her retirement.

Councilman Culver stated to Mayor Battle that he was elated with the work he had done, along with Governor Bentley and County Commissioner Dale Strong, in terms of making Alabama and Huntsville conducive for companies such as GE to come in and be creative and to some degree kind of reinvent themselves. He stated that he was impressed with the number of jobs they were bringing in, some 50-plus jobs that would be paying in the neighborhood of \$80,000 per year. He stated that that would be approximately a \$4 million injection into the community.

Councilman Culver stated that he would like to thank the inmate labor supervisors, noting that their crews had cleaned up the homeless camps over the prior two weeks or so. He stated that he and Mr. Loiselle had spoken over the prior week and that they were hoping to do a camp-out in some of the homeless camps. He stated that he had strongly suggested that they wait until the weather warmed up a little, but noted that he was planning to spend a weekend in some of the homeless camps, in order to get a better understanding of what the homeless residents were going through. He stated that this would also enable the Council to ascertain their needs better and to help them. He stated that he was looking forward to this.

Councilman Culver stated that he had recently attended a neighborhood meeting at Lanier Lakes, noting that this was in the western part of the city. He stated to Mayor Battle that he was aware they had been doing a lot of annexation and stated that that was good, but that this was one of the things he was strongly looking at, especially as it related to West Huntsville. He continued that West Huntsville was so far out that it was difficult for the City to provide services to all these communities. He stated that he had a laundry list of communities that were in the western part of the city. He stated that these persons were taxpayers and they spent money in the city, and he wanted them to get the same representation as all the other residents in the city.

Councilman Culver stated that with that in mind, that perhaps they could not do any additional annexation, other than what they had already committed to, and just kind of fill in the gaps until such time as they could get more services in the western part of the city. He stated that in the future he was looking at trying to get a police precinct, along with perhaps another fire station, as that area developed, in order to be able to provide such services in a more timely manner.

Councilman Culver stated that one of the concerns that had come out of the neighborhood meeting he had attended was the process set forth by the City of Huntsville as it related to determining speed cushions. He stated that there had been speed cushions installed in this area, and that they did not

appear to be effective, based on information he was getting from the community. He stated that one of the requests that these citizens made was to have the Huntsville Police Department provide a study of the traffic flow and perhaps temporarily put a speed trailer there, in order to get an idea of how fast persons were traveling. He stated that he had been told that persons were going somewhere in the neighborhood of 70 to 80 miles per hour in that area, even after the speed bumps had been installed. He stated that he would like for Mr. Joffrion to look at the legal ramifications as far as removing speed cushions if it were warranted, as to whether they could do this and what would be the City's liability relating to it

Councilman Culver stated that Lanier Lakes bordered Pettus Road to the north and Harbin Road to the south, and that it was developed in such a way that it was easy for other communities and surrounding neighborhoods to access Nance Road and Wall-Triana Highway through that particular neighborhood. He stated that, of course, some speeders lived in the community, but there were also persons from other communities that were coming through. He stated that without regard to where they lived, they just wanted to take the speeders off the streets. He stated that he did remember that he had told Pastor T.C. Johnson he would not be making any such additional requests, but noted that this was far west and there was a serious need in the area.

Councilman Culver stated that he would be holding a Town Hall meeting and was looking at the dates of April 14, April 21, or April 28. He stated that he would set a definite date for this at a later time. He stated that in the meantime, he wanted them to ascertain whether or not the speed cushions were working in the area. He stated to Chief Morris that he also wanted to get patrol officers in the area to run radar. He stated that the times the residents had narrowed down were Monday through Friday from 7 a.m. to 8:30 a.m. and 3:30 p.m. to 6:30 p.m. He stated that he was aware they could not be there every day during those times, but stated that if they could, to go out and run radar and see what the outcome would be as related to whether it would be worth it for them to be there. He stated that he believed it would be, based on the information from the constituents in the area, so that they could get persons to slow down in this area.

Councilman Culver stated that he would also like for them to investigate the possibility of All-Way stop signs in the area. He stated that residents in the area and persons coming through were disregarding the stop signs. He stated that he would send a copy of this information to all the departments that would be impacted by his request.

Councilman Culver stated that he would like to look at the possibility of reducing the speed limit on Harbin Road, and that he wanted to initiate a request for a traffic light study at Wall-Triana Highway and Harbin Road, to see if that would be

feasible.

Councilman Culver stated he had a laundry list of items, and he had named just a few of these. He continued that for the sake of time, he would not go through all of them at this time. He stated that in the meantime, the communities in his area were surveying their residents, by obtaining signatures, to determine whether or not they wished to have speed cushions in their communities. He stated that this petition would hopefully be done and they would get it to him by March 15, 2014, so that a decision could be made as related to this.

Councilman Culver stated that he could not thank Ms. Kathy Collingsworth and the Neighborhood Watch communities enough for putting all this information together, noting that it would certainly enable him to help them resolve some of the concerns of the communities in that part of the city. He stated that he would send Mr. Kramer, Chief Morris, and Mr. Joffrion the entire list that he had referred to, as well as he would copy Mayor Battle on this.

Councilman Kling stated that he liked the idea of working with neighborhoods, and there had been a lot of things they had been working on in the neighborhoods. He stated that he had spoken with Dennis Madsen of the Planning Department, and he believed that in the near future he would be taking a tour of specific West Huntsville neighborhoods with Michelle McMullin from Lowe Mill and P.J. Robinson from Bailey-Patton Estates. He stated that they were two great leaders involved in

neighborhood civic associations and Community Watch, and he believed they would be very helpful because they would be able to give Mr. Madsen some good input on issues that would be of great assistance as he worked on his comprehensive plan.

Councilman Kling thanked Joy McKee for the work she had been doing regarding the Crestwood neighborhood and working something out between Crestwood and the trailer park, with TVA, to alleviate some of the problems in the area. He stated that he believed when this was done, it would be something that would really be a good shot in the arm for the area.

Councilman Kling stated that, as he had mentioned, there had been his Town Meeting on the previous Monday, and that the primary topic was the upcoming chicken ordinance. He stated that everyone had had the opportunity to fairly lay out their positions, and that there had been a diversity of opinion. He stated he believed everyone had felt they had a fair shake on getting their opinions out. He stated that there were good arguments from both sides of the issue and it was very helpful to him to listen to all the information.

Councilman Kling stated that Mr. Kramer had been out with him to the Mayfair neighborhood, looking at what could be done about some of the traffic flow issues coming off of Center Avenue, including particular dangers with left turns off of Center onto Whitesburg Drive. He stated he was aware it would take a while but that they would certainly try to get something worked out on that. He stated that he appreciated

Mr. Kramer coming out with him on such a cold morning.

Councilman Kling stated that he had had a meeting a couple of weeks prior with neighborhood leaders representing Holiday Homes, Merrimack, Crestwood, and Lowe Mill about some issues, and he had enjoyed the fact that no one was rushed and they could talk about these issues. He continued that he believed a lot of good information had been exchanged. He stated that when elected officials were out in the neighborhoods talking with the residents, they found out that a City Councilman did not know everything but could do some research and find out how to address their problem. He stated that he felt this was a good step.

Councilman Kling stated that there had been some concerns expressed to him by the residents of the Holiday Homes neighborhood concerning the two Oxford House facilities that were in the implementation process in that neighborhood. He asked Mr. Joffrion if these facilities actually had the appropriate zoning that would be needed for them to be in that neighborhood.

Mr. Joffrion stated he was aware that that was a concern for residents in the area. He continued that, of course, this was a question they had to be very careful in investigating and deliberating about, being mindful of Fair Housing issues and ADA issues while also being mindful of concerns in neighborhoods about the integrity of the zoning ordinance and not undermining that integrity, and also concerns about the

increase in traffic within the residential areas, and other legitimate police power concerns. He stated that they were gathering data on this at this time. He continued that each of these had to be addressed on a case-by-case basis, that there was not a "one size fits all" kind of approach to this. He stated that when they had gathered as much information as they could, they would report back to the Council and provide options for them to consider.

Councilman Kling stated that he had another question and he did not know whether to address it to Mayor Battle or Mr. Joffrion. He stated that he was aware there had been a lot of work on the road package between the City and the State and asked if that would be coming before the Council at the next meeting or if they were aware of the timetable on this.

Mayor Battle stated that the agreement had come in earlier in the day and they had not had time for Legal to look it over or for Engineering to look it over. He continued that he believed Mr. Davis had started reviewing it. He stated that it was like everything else when they had the legal field looking at it, that it just took a little while. He stated that they would move it along as quickly as they could.

President Russell stated that he had been asked to allow Mr. Benion time to talk about the City's homeless assistance activities. He recognized Mr. Benion.

Mr. Benion stated that he would like to ask Dr. Kerry Walker from the Downtown Rescue Mission to provide an update on

the status of the Mission and their capacity, since it was so cold at this time.

Dr. Walker appeared before the Council, stating that there had been a lot of information and misinformation about what was provided and not provided. He stated that he was the Senior Director over all the programs and ministries for the Mission, that he was directly in charge of making sure their residents and the homeless were taken care of.

Dr. Walker stated that he wanted to assure the Council and the public that they had adequate capacity. He stated that they had their standard bed occupancy rate and they had been pushing this but that they had emergency overflow. He stated that two nights prior, they had slept 272 persons, noting that of this number approximately 185 were homeless and the remainder were in their residential program. He continued that this included 38 children and 21 mothers who were homeless. He stated that in the women's side shelter, they had more to stay than they had bed capacity but they had taken some extra mats they had on the men's side and put them in that area to provide for these persons. He stated that they had emergency facilities set up in their gymnasium, and that if needed, they could turn that into a sleeping area.

Dr. Walker stated that they did not turn anyone away in cold weather, with a few minor exceptions. He stated that they had some legal issues with sexual offenders because they had children present, and they were not allowed to take these

persons. He stated that also if someone had been trespassed from their property due to violence or selling drugs on their property, they did not allow such person to return. He stated that other than such persons, anyone who came to the Mission could stay there. He continued that they did have homeless persons who did not want to come to the Mission, noting that because the Mission took in that many persons, they had to have some rules and guidelines, and that some persons just did not want to put up with their rules and guidelines. He stated that they were not terribly strict, but they did not want persons bringing alcohol and drugs onto their campus and some persons wanted to do so.

Dr. Walker stated that they just wanted everyone to know that they had space, that they would take anyone who came, that they would feed them and provide showers, blankets, and sheets. He continued that they had plenty of space.

Dr. Walker stated that he appreciated everyone throughout the community who helped and supported them. He stated that they were the largest homeless shelter in North Alabama.

Dr. Walker stated that if anyone ever had a question, they should please feel free to call him at the Mission. He continued that he would be happy to tell them anything they needed to know and answer any questions they had. He asked that if complaints came up, they be addressed to him.

Councilman Culver stated to Dr. Walker that he certainly understood rules, that rules were very important. He stated

that his question was what if a person were to have alcohol in their system, no bottles or beer cans but just that they had been drinking? He asked if such persons would be allowed in the Mission.

Dr. Walker stated that on a regular basis, every night, they had persons that came in intoxicated and on drugs. He stated that the Downtown Rescue Mission did not turn away persons because they were intoxicated. He continued that they did have a special room they placed such persons in so that they did not disturb the other residents, but that they did not turn anyone away. He stated that if a person would become violent and they had to call the police, that would be another thing, but that they did not turn away anyone who came in intoxicated.

Councilman Culver asked Dr. Walker how long he had been with the Downtown Rescue Mission.

Dr. Walker stated that he had been with the Mission for four years and that he had been Senior Director for the past two years, noting that he had previously been a pastor for 27 years. He stated that his brother had died on the streets of California as a homeless alcoholic and that God had moved him to the position he was in at this time in order to try to help other men and women whose lives might be touched and might be saved. He continued that their goal was to provide for the least and the lost. He stated that Jesus had said, "As ye have done it unto one of the least of these my brethren, ye have

done it unto me."

Councilman Culver stated his only question was where Dr. Walker had been. He stated that the Rescue Mission had been a thorn in his side for a long time, as it had been to the residents in District 5. He stated he had been unable to get meetings arranged, that he had had to employ the help of Councilman Showers, Representative Laura Hall, Commissioner Bob Harrison, and anyone else he could find, just to get a meeting, under some different administrators.

Dr. Walker stated that the Mission had always wanted to work with the City. He stated that some of his staff was actually at the NACH meetings earlier in the day. He stated that the Mission was privately funded and faith-based, and that they were unapologetic about that. He stated that not everyone agreed with the way they did things, but that, as he had stated, they were the largest such facility in North Alabama. He reiterated that they had had 272 persons sleeping in the Mission two nights prior, and he believed they had had 268 the prior evening, and he fully expected there would be close to 300 on this date.

Dr. Walker stated that Councilman Culver could call him at any time at the Mission, noting that he would also be happy to give him his personal cell phone number. He stated that if he had a question, he would certainly be happy to help and they would try to solve whatever problem there would be.

Councilman Culver thanked Dr. Walker and stated that he

looked forward to working with him.

Mr. Benion stated that he would also like Ms. Lineise Arnold, who was with North Alabama Coalition for the Homeless, to give a brief overview of the meeting they had had earlier in the day concerning establishing a warming center.

Ms. Arnold appeared before the Council, stating that she was the Executive Director of the North Alabama Coalition for the Homeless. She stated that she wanted to provide an update of the availability they had at the shelters so that they could see they did have the capacity to meet the needs of the homeless citizens in the community. She enumerated the capacity of the different organizations who served the homeless in the city. She continued that they did have the capacity to house persons who needed shelter and their goal was for the clients to utilize the shelters.

Ms. Arnold stated that the cold weather had identified a couple of gaps for them, that No. 1, they had recognized they did not have an adequate number of slots for persons that were in families to be able to stay intact, noting that the shelters were limited for families. She stated that also they did not have adequate slots for persons who were single parents because they only had a certain number of slots that took families.

Ms. Arnold stated that even though the weather was cold outside, they had had individuals that had basically told them they would rather stay in the elements than go to the shelters. She stated that she had recognized this was a problem and that

she had had a meeting on the prior day with clients that utilized the facilities at First Stop. She continued that these were clients who utilized the Downtown Rescue Mission, the Salvation Army, and other facilities. She stated that they had talked about why they were reluctant to use those facilities.

Ms. Arnold stated that she had had a meeting earlier in the day with the shelter providers and they had discussed how they could solve these problems. She stated that they had realized they needed some other alternative placements. She continued that they had a meeting later in the day with the faith-based community about individuals or organizations that were willing to open up their church facilities or other facilities as emergency shelter-type places, or "warming centers" as they were called. She stated that these centers would be open 24 hours a day if the temperature would go below 30 degrees.

Ms. Arnold stated that Grateful Life Church was serving as the unofficial warming center. She stated that their facility was not designed to house persons, but that in order to meet the need, they were making accommodations. She stated that they would be open on the current evening and the following evening and were making preparations to be open on Monday and Tuesday. She stated that they had also had other churches that had stated they were willing to serve as warming centers, and that they had identified some other possible locations. She

continued that they had other churches that had offered assistance, such as transportation.

Ms. Arnold thanked the City for providing the buses to provide transportation free of charge to the shelters for their clients on this cold day, but stated they had recognized that after 6 p.m. there was a need for transportation to the shelters. She stated that some of the faith-based communities had offered their transportation ministry and stated they would go out to certain locations between the hours of 7 p.m. and 9 p.m., after the City buses had stopped, and also after a time when some persons who had thought they might be able to manage the weather had changed their minds, and offer transportation to the shelters. She continued that there were also churches who had decided they would assist in providing food.

Ms. Arnold stated that another thing that had been identified was that some of the residents in the city had felt like they would not have enough food if there were to be a bad storm and they could not get out or it was too cold to get out. She stated that churches had stepped up and agreed to provide additional food assistance to the community in such circumstances.

Ms. Arnold stated that she believed they had had a very productive meeting, that they had had a large turnout, and that this had shown them that the Huntsville Community was willing to help in such situations.

Ms. Arnold stated that she did want to challenge the

Council to remember that homelessness was a problem 12 months out of the year, that as long as they had persons staying in camps, they had a problem.

Councilman Culver stated to Ms. Arnold that from the time he had met her, he had known she was special, and that he could not tell her enough how much the Council appreciated what she was doing.

Councilman Culver stated that this was Huntsville, Alabama, and that if they could put a person on the moon, he knew they could resolve all the concerns on this issue. He continued that the city had gone through many things and that they could certainly do this. He urged all the persons involved in this effort to continue doing what they were doing.

President Russell stated that the next item on the agenda was Unfinished Business Items for Action.

President Russell moved for approval of Ordinance No. 14-15, annexing land lying on the west side of Old Big Cove Road and on the north side of Buford Drive, which ordinance was introduced at the January 9, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-15)

Said motion was duly seconded by Councilman Showers.

President Russell asked Ms. Lisa Leddo of the Planning Division for an explanation of the above ordinance.

Ms. Leddo indicated the area on a displayed map and stated that it was 45.72 acres of land lying on the west side of

Old Big Cove Road and on the north side of Buford Drive. She stated that this was vacant land and was the site of a proposed residential development.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell moved for approval of Ordinance No. 14-16, annexing land lying east of Old Jim Williams Road and on the north side of Martin Road, which ordinance was introduced at the January 9, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-16)

Said motion was duly seconded by Councilman Showers.

President Russell asked Ms. Leddo for an explanation of the above ordinance.

Ms. Leddo stated that this was 0.42 acre of property, that it was currently vacant land, and it was proposed for commercial development, that they were expanding their existing commercial site.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell moved for approval of Ordinance No. 14-17, amending Budget Ordinance No. 89-79, Classification and Salary Plan, which ordinance was introduced at the January 9, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-17)

Said motion was duly seconded by Councilman Showers.

President Russell asked Mr. Byron Thomas, Director of Human Resources, for an explanation of the above ordinance.

Mr. Thomas stated that this was an amendment to the Classification and Salary Plan, based upon some audits that had been done in various departments, as well as to add some new positions and delete some old positions.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell moved for approval of Ordinance No. 14-18, amending Budget Ordinance No. 13-630 to modify the authorized strength of a department, which ordinance was introduced at the January 9, 2014, Regular Council Meeting, as follows:

(ORDINANCE NO. 14-18)

Said motion was duly seconded by Councilman Showers.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell stated that the next item on the agenda was New Business Items for Introduction.

President Russell read and introduced Ordinance No. 14-49, annexing land lying west of US Highway 431 South and on the north side of Plainview Drive.

President Russell stated that the Planning Department had requested that the Council consider voting on the next item on the agenda at this meeting.

President Russell read and introduced an ordinance

annexing land lying east of Old Big Cove Road and north of Hampton Ridge Drive, as follows:

(ORDINANCE NO. 14-50)

President Russell moved that unanimous consent be given for the immediate consideration of and action on said ordinance, which motion was duly seconded by Councilman Kling, and upon said motion being put to vote, the following vote resulted:

AYES: Culver, Olshefski, Kling, Showers, Russell

NAYS: None

President Russell stated that the motion for unanimous consent for immediate consideration of and action on said ordinance had been unanimously carried.

President Russell thereupon moved that said ordinance be finally adopted, which motion was duly seconded by Councilman Showers.

President Russell asked Ms. Leddo for an explanation of the above ordinance. He also asked that she state why it had been requested that this be voted on at this time.

Ms. Leddo stated that this was 26.66 acres of property, lying on the east side of Old Big Cove Road and north of Hampton Ridge Drive. She stated that this was vacant land and was a proposed addition to an existing subdivision and that it would be approximately 35 lots. She stated that the property owner would like to close on the property and the developer would like to commence construction as soon as possible.

Councilman Culver stated that his concern, again, was if they were going to be able to provide services. He asked if this would be a part of an existing community or if it would be a separate community.

Ms. Leddo stated that it would be an expansion, that it would be part of the existing subdivision.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell stated that the next item on the agenda was New Business Items for Consideration or Action.

President Russell read and introduced a resolution authorizing the Mayor to accept a grant from the Alabama Law Enforcement Agency, as follows:

(RESOLUTION NO. 14-51)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to execute an Agreement with the City of Madison, as follows:

(RESOLUTION NO. 14-52)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced an ordinance to amend Budget Ordinance No. 12-768 by changing the authorized

personnel strength within various departments, as follows:

(ORDINANCE NO. 14-53)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced an ordinance to amend Budget Ordinance No. 12-768 by changing appropriated funding within various departments and funds, as follows:

(ORDINANCE NO. 14-54)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to execute a Special Employee Agreement between the City of Huntsville and Cecilia Summers, as follows:

(RESOLUTION NO. 14-55)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to execute a Special Employee Agreement between the City of Huntsville and Jessica Lauren White, as follows:

(RESOLUTION NO. 14-56)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by

Councilman Showers and was unanimously adopted.

President Russell moved for approval of a request for authorization to advertise and fill the position of Environmental Specialist II, Grade 15, at a higher than minimum salary if necessary, which motion was duly seconded by Councilman Showers and was unanimously approved.

President Russell moved for approval of a request for authorization to advertise and fill the position of General Clerk III, Grade 7, at a higher rate than minimum salary if necessary, which motion was duly seconded by Councilman Showers and was unanimously approved.

President Russell read and introduced a resolution authorizing the Mayor to enter into an agreement with the low bidder, SJ&L General Contractor, L.L.C., for Cecil Ashburn Turn Lane, Project No. 65-14-TI01, as follows:

(RESOLUTION NO. 14-57)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the City of Huntsville to renew an Agreement with McGriff, Seibels & Williams, Inc., to provide General Liability Insurance for Transit Revenue vehicles, as follows:

(RESOLUTION NO. 14-58)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by

Councilman Showers and was unanimously adopted.

President Russell moved for approval of a request for authorization to advertise and fill the position of one (1) General Service Electrician and to fill at higher than minimum salary if necessary, which motion was duly seconded by Councilman Showers and was unanimously approved.

President Russell moved for approval of a request for authorization to advertise and fill the position of one (1) Secretary II and to fill at higher than minimum salary if necessary, which motion was duly seconded by Councilman Showers and was unanimously approved.

President Russell read and introduced a resolution to declare certain equipment as surplus and to be donated to the Huntsville Area Crimestoppers, as follows:

(RESOLUTION NO. 14-59)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into a lease agreement with Drake and Harlan Properties for warehouse space located at 3000 and 3002 12th Avenue, as follows:

(RESOLUTION NO. 14-60)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and Summit Technology, Inc., for PeopleSoft Support Services, as follows:

(RESOLUTION NO. 14-61)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into Modification No. 11 to the Supplemental Development Agreement, TIF5, Series 2010-A, between the City of Huntsville and LW Redstone Company, LLC, as follows:

(RESOLUTION NO. 14-62)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke Regions Bank Letter of Credit No. L063908 for Clearwater IV Subdivision, as follows:

(RESOLUTION NO. 14-63)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution

authorizing the Clerk-Treasurer to invoke Progress Bank Letter of Credit No. 8000003510 for South Gate Subdivision Phase 1, as follows:

(RESOLUTION NO. 14-64)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 400511900 for Watercress Subdivision Phase 3, as follows:

(RESOLUTION NO. 14-65)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Clerk-Treasurer to invoke National Bank of Commerce Letter of Credit No. 400512200 for Watercress Subdivision Phase 3, as follows:

(RESOLUTION NO. 14-66)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced an ordinance declaring a 1967 Crown Locomotive as surplus and no longer needed for a municipal purpose, as follows:

(ORDINANCE NO. 14-67)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Showers and was unanimously adopted.

President Russell read and introduced a resolution authorizing the Mayor to enter into an Agreement between the City of Huntsville and Garber Construction Company, Inc., for construction services for the Chaney Thompson Dog Park, located at 15935 Chaney Thompson Road, as follows:

(RESOLUTION NO. 14-68)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers and was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute Change Order No. 1 to the agreement between the City of Huntsville and Consolidated Construction Company, Inc., for North Public Safety Complex, located at 4014 North Memorial Parkway, as follows:

(RESOLUTION NO. 14-69)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver.

Councilman Showers asked if he could get an update on the Safety Complex project.

Mr. Chris O'Neil, Facilities Project Manager, appeared before the Council, stating that this project was slightly

ahead of schedule at this time. He stated that the contractor had taken advantage of some of the good weather prior to December and had been able to get the site work done. He continued that the workers were actually able to park on the blacktop surface of the parking lot at this time. He stated that the steel framing had been erected and they had set the trusses and the metal decking and were beginning to run the electrical conduits inside the building. He stated that the contractor felt good about the schedule, and they were aiming for completion in late spring or early summer.

President Russell called for the vote on the above resolution, and it was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the City Attorney to have the City of Huntsville join as a plaintiff in Civil Action No. CV13-150 in the Circuit Court of Madison County, as follows:

(RESOLUTION NO. 14-70)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver.

President Russell asked Mr. Joffrion for an explanation of the above resolution.

Mr. Joffrion stated that he realized it was somewhat unusual to ask the City Council to have the City join as a plaintiff in a lawsuit. He stated that, as he had explained in a memo to the Council members previously, the City had entered

into a contract to sell some surplus lots located close to Orchard Street and where Church Street would be relocated, which it had acquired in connection with the Church Street relocation project, to Acanthus Industrial Properties. He continued that there was a deed restriction on all these lots that restricted their use to single-family residential purposes. He stated that these lots had lost their residential character quite some time prior, that they had not been used for that purpose for quite a while and would not be used for that purpose.

Mr. Joffrion stated that the quickest way to remove this deed restriction, as opposed to attempting to track down all the owners or interested parties, would be to file an action in the Circuit Court of Madison County and have it done judicially. He stated that this would not cost the City taxpayers any money at all, that Acanthus would be paying all the legal costs associated with the action, unless one of the private property owners would choose to question or contest the lawsuit. He stated that he was not aware that any of the property owners affected were contesting it.

Mr. Joffrion stated that the attorney for Acanthus was present at the meeting if the Council would like to direct any questions toward him about this. He stated that the purpose of this was to allow the City to complete the sale of the surplus lots to Acanthus and to allow them to add those lots to the expansion of their industry.

President Russell called for the vote on the above resolution, and it was unanimously adopted.

Councilman Showers read and introduced a resolution authorizing the Mayor to execute an agreement between the City of Huntsville and CareHere Management, PLLC, for Health Risk Assessment and Biometric Screenings, as follows:

(RESOLUTION NO. 14-71)

Councilman Showers moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Culver.

President Russell asked Mr. Byron Thomas of Human Resources for an explanation of the above resolution.

Mr. Thomas stated that this was an agreement with CareHere Management that would allow the City to do health risk assessments and biometric screenings for its employees. He stated that, as the Council would recall, during their open enrollment process, they had asked the employees who would like to get a discount on their premiums to sign up for a health risk assessment and biometric screening. He stated that the company CareHere would be the ones to assist in facilitating this, so that the employees who signed up would be able to have the assessment done.

Councilman Showers asked Mr. Thomas if he could give the Council some idea of when the main program under this company would be coming to the Council for consideration.

Mr. Thomas stated that they were still working on the main

contract and that it was their plan to be able to bring that before the Council within the next two to four weeks.

President Russell called for the vote on the above resolution, and it was unanimously adopted.

President Russell stated that the next item on the agenda was Legal Department Items/Transactions.

President Russell read and introduced an ordinance authorizing the vacation of a 20-foot Utility and Drainage Easement, Lots 3 & 4, CCI/Martin Medical Complex (Russell Hill Drive), as follows:

(ORDINANCE NO. 14-72)

President Russell moved for approval of the foregoing ordinance, which motion was duly seconded by Councilman Showers.

President Russell called for the vote on the above ordinance, and it was unanimously adopted.

President Russell read and introduced a resolution authorizing the approval of, consent to, and vacation of a portion of Cedar Avenue Right-of-Way, Huntsville Park, Plat Book 1, Page 216 (3320 & 3400 Clopton St.), as follows:

(RESOLUTION NO. 14-73)

President Russell moved for approval of the foregoing resolution, which motion was duly seconded by Councilman Showers.

President Russell called for the vote on the above resolution, and it was unanimously adopted.

Mr. Joffrion submitted the following deed for approval:

(DEED)

Whereupon, President Russell moved for approval of the foregoing deed, which motion was duly seconded by Councilman Showers.

President Russell stated that the next item on the agenda was Non-roster Communications from the public.

Ms. Jackie Reed again appeared before the Council, stating that she did not understand what they were going to do with the 1967 Crown Locomotive. She asked if they had a purpose for declaring it surplus.

Ms. Reed stated that several persons had been asking her why there were several trailers parked at a church on South Parkway and how long they would be left there.

Ms. Reed asked if the Council members got 10 minutes to speak on their issues while the public only got three minutes.

President Russell stated that the Council members were not governed as to the length of time they could speak.

Ms. Reed stated that she recalled that in the past it had been 10 minutes. She stated that, however, she did not care how long they talked.

Ms. Reed stated that there were five meetings that were going to take place at different schools about the school changes that would take place. She stated that perhaps the dates of these meetings could be posted on Channel 42 so that the people would know about these dates so they could get

involved in this matter.

Ms. Reed stated to Councilman Showers that she knew he liked to cover a lot of things and stated that she was with him on everything he covered.

Ms. Reed stated that she had been in her district 55 years when they had done a 10-year redistricting plan, and three of the Council members had thrown her out of her district. She stated that she was sad about this and still losing sleep over it. She continued that she was going to go back, that she was going to move back into District 4.

Councilman Kling stated that since they were talking about districts, he would like to point out that 10 years prior, rather than the City Plan, he had come up with an individual, separate plan, which, among other things, included Ms. Reed in the district that she was able to run for public office in three times. He reiterated that this was the Bill Kling District Plan, which was separate from the City Plan. He stated that he believed if Ms. Reed would take a look at census tracts and compare 14th Street to Jordan Lane, she might find that there were other reasons for the redistricting.

President Russell asked Mr. Joffrion if he could explain to Ms. Reed the issue concerning the 1967 Crown locomotive.

Mr. Joffrion stated that the Alabama Constitution Village wanted to sell the locomotive. He continued that it was not standard size and that it was not in operating condition. He stated that there was a buyer who was willing to pay the

45 to 50 thousand dollar cost it would take to put it in operating condition. He stated that it was of no real value or use to the museum and that they would like to use the proceeds for other purposes, to perhaps put their other locomotives in better operating condition.

Ms. Reed asked if she could rebut Councilman Kling's statement.

President Russell replied in the negative. He stated that she was out of order. He stated that he would try to get the answers to Ms. Reed's other questions.

Mr. Reginald Hill, 627 Blake Bottom Road, appeared before the Council, stating that just as many others had stood before the Council seeking to make a difference, they did it mainly to no avail or with no assistance, as the Council had rules that would allow them to evade and disregard the concerns of the constituency. He stated that this had been witnessed at the Huntsville City Schools Board of Education meeting, as the academic CEOs would go into recess right before citizens' comments, stop TV airing, and cut off real communications with the public.

Mr. Hill commended the administrators at City Hall for utilizing the TV as a means of true transparency. He asked that they not waiver from this.

Mr. Hill stated that he was standing before the Council at this time seeking to reverse the old mannerisms of citizens commenting to the Council with no action, or even reaction,

from these voted-in representatives. He stated that they were each aware of new housing and zoning issues in the city that had truly upset residents of the South side, along with others in Huntsville concerned about the racist acts of discrimination and bigotry that would force predominately black failing schools to retire their entire existence because of irresponsible and non-accountable scholastic officials having failed them.

Mr. Hill stated that in the midst of all this fighting, designed to pit the South side residents against the North side, black versus white, young versus old, there was the vast downtown expansion, and the politicians were flourishing.

Mr. Hill stated that even with all this despair about One Huntsville, he would digress from these issues at this time to issue a public challenge to the City Council, the Mayor, and the Chief of Police. He stated that they were in a time where the people had grown tired of trying to solve problems civically and with a high moral code, that the people had grown restless and wanted the politicians to take the initiative on the pressing matters of society. He continued that the people had become intolerant of broken promises, misguided statements, and lack of execution from the central offices. He stated that because of this, they saw 15-year-olds in clubs killing people, stores being robbed at all-time highs, and even the school system having to cover up disciplinary infractions in order to promote a misleading image of safety and excellence in the

classrooms.

Mr. Hill asked how long they would sit back, how much blood must be shed, and how many lives must be taken off their destined course before they would orchestrate strategies to combat the ever-evolving diseases of hatred and violence.

Mr. Hill stated that for too long the City had invested funds in programs that did little or nothing for the overall growth and good will of the entire community. He stated that he wanted to declare war on poverty, poor education, and the many social injustices that were faced on a daily basis.

Mr. Hill challenged Chief Morris, the City Council, and Mayor Battle to meet with him on the issues that mattered to the citizens. He stated that he would be in contact with each of them, noting that they had little time to waste. He stated that for every second wasted, there was an opportunity for destruction. He stated that Dr. Martin Luther King had once sought to remind America of "the urgency of now." He stated that at this moment Chief Morris, the members of the Council, and Mayor Battle were America, and that a prosperous and safe quality of life with One Huntsville was the urgency of now. He asked that they move on this.

Mr. Hill thanked the Council for the opportunity to speak. He asked that they remember that God had indeed blessed each of them, and it was now their responsibility to use their gifts and abilities to bless God.

Mr. Paul Proctor again appeared before the Council,

stating that he had two questions. He continued that his first question was for Councilman Kling.

President Russell advised Mr. Proctor to address his questions to the Chair or to the Council as a whole. He stated that also there was no guarantee that anyone could answer a particular question but stated that they would do their best, if they were general questions.

Mr. Proctor asked, in reference to the one percent sales tax increase, if there were any issues going on that the citizens should be aware of, noting that Councilman Kling had been on TV mentioning the possibility of rescinding the vote on that issue.

President Russell stated that he was not aware of what Councilman Kling had said on TV. He asked Councilman Kling if he would like to respond to Mr. Proctor.

Councilman Kling stated that he would be glad to.

Councilman Kling stated that, speaking as an individual, he had been very disappointed in this matter, to say the least, noting that there had been a long-standing \$450 million, 10-year plan between the City and the State that the State had pulled out of. He continued that ever since he and Councilman Showers had been serving on the Council, the City had put in approximately 20 percent of the cost of every overpass on the Parkway that was constructed during that time, although that was a State road. He stated that they had also done other things on University Drive West, which he noted was

Highway 72, and also on access roads, et cetera.

Councilman Kling stated that Mayor Battle had done a great job on this, that he had stepped up and worked out a deal after the State had literally pulled the rug out from under them.

Councilman Kling stated that around Christmastime he had driven down to see his sister, that he had gone down I-65 and had passed Birmingham, with all the construction, and then had gone to Montgomery, the east side of Montgomery on I-80 and the west side of Auburn on I-80, and it was full of construction also.

Councilman Kling stated that what he had said that Mr. Proctor was referring to, noting that perhaps it was just that he was blowing off steam, was that if the State pulled out on what they had worked out at this time, he would make the motion to rescind the sales tax increase. He stated that he was still bitter about this matter. He stated that he was aware that the Council members were supposed to be on their good behavior and that he tried to deal with these issues, but that, literally, he believed the City was cheated out of a long-standing agreement in the amount of \$450 million.

Councilman Kling stated that he understood the State had some challenges but stated that they had an agreement on this.

Councilman Kling stated that the State had said they were going to change the \$450 million plan to just one project in the 10-year plan, for approximately \$25 million. He continued that they also would not let the City use the ATRIP funds,

noting that this would have helped them. He stated that it hurt people to increase the sales tax rate, noting that groceries could not be exempted from the sales tax increase, and that this was because of State law. He stated that they were hammering them every way possible. He reiterated that if the State pulled out of the current plan, he would make a motion to rescind the sales tax increase. He stated that he did not trust them but he hoped he would be proven wrong.

Mr. Proctor stated another concern he had was that Mayor Battle was applying to organizations that recognized cities for being cities of compassion. He asked if the Council members felt that the City as a whole was operating to a point that it should be recognized as a city of compassion, considering things that were going on with the inequality of education and with both sides of the city opposing each other pertaining to the issues of education.

President Russell asked if any member of the Council would like to reply to Mr. Proctor's question.

Councilman Showers stated that perhaps Mayor Battle would want to address it.

President Russell stated to Mr. Proctor that he was welcome to discuss the matter with Mayor Battle, that the Council had no answer for him on this matter.

Mr. Proctor stated that he would like to thank Councilman Showers for his recognition of their fight trying to make the city a fair city as it pertained to the quality of

education.

President Russell asked if anyone else wished to address the Council at this time.

There was no response.

Upon motion, duly seconded, it was voted to adjourn.

PRESIDENT OF THE CITY COUNCIL

ATTEST:

CITY CLERK-TREASURER